

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 141 be amended to read as follows:

- 1       Page 5, between lines 19 and 20, begin a new paragraph and insert:  
 2       "SECTION 7. IC 34-13-3-4 IS AMENDED TO READ AS  
 3       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **In the absence**  
 4       **of a liability insurance policy that provides a limit of liability that**  
 5       **exceeds the limits provided in this section,** the combined aggregate  
 6       liability of all governmental entities and of all public employees, acting  
 7       within the scope of their employment and not excluded from liability  
 8       under section 3 of this chapter, does not exceed three hundred thousand  
 9       dollars (\$300,000) for injury to or death of one (1) person in any one  
 10       (1) occurrence and does not exceed five million dollars (\$5,000,000)  
 11       for injury to or death of all persons in that occurrence. A governmental  
 12       entity is not liable for punitive damages.  
 13       SECTION 8. IC 34-13-3-20 IS AMENDED TO READ AS  
 14       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) A political  
 15       subdivision may purchase insurance to cover the liability of itself or its  
 16       employees. Any liability insurance so purchased shall be purchased by  
 17       invitation to and negotiation with providers of insurance and may be  
 18       purchased with other types of insurance. If such a policy is purchased,  
 19       the terms of the policy govern:  
 20       (1) the rights and obligations of the political subdivision and the  
 21       insurer with respect to the investigation, settlement, and defense  
 22       of claims or suits brought against the political subdivision or its  
 23       employees covered by the policy; **and**  
 24       (2) the maximum limit on liability if the policy provisions

1           **exceed the limits in section 4 of this chapter.**

2           **The terms of a liability insurance policy may not provide for a**  
 3           **reduction of the maximum liability limit of the policy on the basis**  
 4           **that the liability is subject to this chapter.** However, the insurer may  
 5           not enter into a settlement for an amount that exceeds the insurance  
 6           coverage without the approval of the mayor, if the claim or suit is  
 7           against a city, or the governing body of any other political subdivision,  
 8           if the claim or suit is against such political subdivision.

9           (b) The state may not purchase insurance to cover the liability of the  
 10          state or its employees. This subsection does not prohibit any of the  
 11          following:

12          (1) The requiring of contractors to carry insurance.

13          (2) The purchase of insurance to cover losses occurring on real  
 14          property owned by the public employees' retirement fund or the  
 15          Indiana state teachers' retirement fund.

16          (3) The purchase of insurance by a separate body corporate and  
 17          politic to cover the liability of itself or its employees.

18          (4) The purchase of casualty and liability insurance for foster  
 19          parents (as defined in IC 27-1-30-4) on a group basis."

20          Page 5, line 22, after "IC 34-13-3-3," insert "**IC 34-13-3-4, and**  
 21          **IC 34-13-3-20, all**".

22          Page 5, line 22, delete "applies" and insert "**apply**".

23          Renumber all SECTIONS consecutively.

(Reference is to ESB 141 as printed April 3, 2001.)

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Representative Moses